

DURIE TANGRI LLP  
DARALYN J. DURIE (Bar No. 169825)  
RYAN M. KENT (Bar No. 154913)  
217 Leidesdorff Street  
San Francisco, CA 94111  
Phone: (415) 362-6666  
Fax: (415) 236-6300  
E-mail: ddurie@durietangri.com  
rkent@durietangri.com

STORM LLP  
JOHN FISCHER (*pro hac vice* to be submitted)  
PAUL V. STORM (*pro hac vice* to be submitted)  
ANTHONY MILLER (*pro hac vice* to be submitted)  
901 Main Street, Suite 7100  
Dallas, TX 75202  
Phone: (214) 347-4700  
Fax: (214) 347-4799  
E-mail: jfischer@stormllp.com  
pstorm@stormllp.com  
amiller@stormllp.com

Attorneys for Defendant  
PAVESTONE COMPANY, LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SAN FRANCISCO TECHNOLOGY INC.,

Plaintiff,

v.

ADOBE SYSTEMS INCORPORATED, THE  
BRITA PRODUCTS COMPANY, DELTA  
FAUCET COMPANY, EVANS  
MANUFACTURING, INC., THE EVERCARE  
COMPANY, GRAPHIC PACKAGING  
INTERNATIONAL INC., MAGNUM  
RESEARCH INC., PAVESTONE COMPANY  
LP, THE PROCTOR & GAMBLE COMPANY,  
S.C. JOHNSON & SON INC., SPECTRUM  
BRANDS INC., SUPER SWIM CORP.,  
UNILOCK INC., WEST COAST CHAIN  
MFG. CO.,

Defendants.

Case No. 5:09-cv-06083

**PAVESTONE COMPANY, LLC'S  
NOTICE OF JOINDER AND JOINDER  
OF DEFENDANT THE PROCTOR AND  
GAMBLE COMPANY'S NOTICE OF  
MOTION AND MOTION TO DISMISS  
PURSUANT TO RULE 12(B)(1)**

**JURY DEMANDED**

Date: April 8, 2010  
Time: 1:30 p.m.  
Judge: Hon, Richard Seeborg  
Courtroom: 3, 17th Floor

1 PLEASE TAKE NOTICE THAT, Defendant Pavestone Company, LLC ("Pavestone") hereby  
2 joins in The Proctor & Gamble Company's ("P&G") Notice of Motion and Motion to Dismiss  
3 pursuant to Federal Rule of Civil Procedure 12(b)(1) (to be filed concurrently, on March 1, 2010) and  
4 the supporting Memorandum of Points and Authorities contained therein.

5 P&G argues in compelling fashion that San Francisco Technology Inc.'s ("SFTI") complaint  
6 should be dismissed because SFTI does not and cannot allege any cognizable injury in fact that would  
7 support Article III standing. As Pavestone is similarly situated, for the sake of brevity, Pavestone  
8 moves to dismiss SFTI's complaint for all of the same reasons set forth in the P&G Motion to Dismiss  
9 Pursuant to Rule 12(b)(1) and provide the Court with any relevant facts vis-à-vis Pavestone as follows:

10 In this case, Plaintiff SFTI alleges that Pavestone violated the False Marking Statute, 35 U.S.C.  
11 § 292, which imposes civil penalties for purposefully deceitful acts of marking "unpatented" articles  
12 with the numbers of U.S. patents. With regard to Pavestone's alleged violations, SFTI points to  
13 certain brochures for Pavestone's segmental concrete systems that allegedly contain the numbers of  
14 expired patents. SFTI claims that these brochures were falsely marked and further alleges, albeit  
15 without any supporting facts, that Pavestone purposefully marked these products to deceive the public.

16 At best, SFTI alleges only a violation of the law because SFTI alleges nothing more.  
17 Conspicuously absent from SFTI's voluminous complaint is any allegation that anyone, anywhere has  
18 suffered a cognizable injury in fact that would make SFTI's claims justiciable under Article III.  
19 Pavestone requests that the Court dismiss the complaint because SFTI does not (and cannot) allege  
20 facts that would support SFTI's Article III standing.

21  
22 Date: March 1, 2010

DURIE TANGRI LLP

23 By: /s/ Ryan M. Kent

24 Ryan M. Kent

25 Attorney for Defendant  
26 PAVESTONE COMPANY, LLC  
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